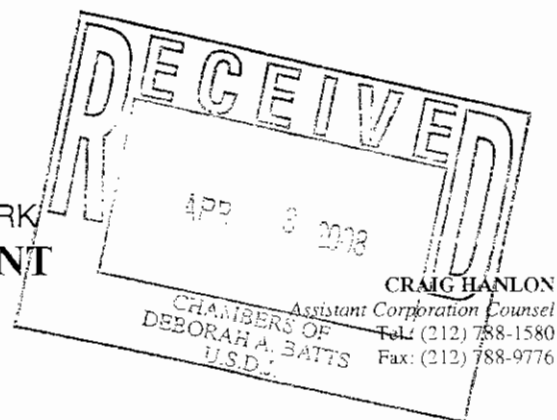


THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel



April 2, 2008

VIA HAND DELIVERY

Honorable Deborah A. Batts
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: McCoy v. City of New York, et al., 08 CV 02204 (DAB)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of this matter on behalf of the City of New York.¹ I am writing to request that defendant's time to answer, move or otherwise respond to the complaint be extended from the current due date of April 9, 2008 to June 9, 2008. Due to plaintiff's present incarceration and the resulting difficulty in communicating with him, this application is being made without his consent. DAB/GRANTED 04/07/08

There are several reasons for seeking an enlargement of time. In his complaint, plaintiff alleges, *inter alia*, that the police used excessive force during the course of his arrest. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. Since plaintiff alleged injuries resulting from the events complained of, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident, so that defendant can properly assess the case and respond to the complaint.

In addition to the City of New York, plaintiff names two (2) individuals believed to be New York City Police Officers as defendants. According to the civil docket sheet, these individuals have not yet been served. A decision concerning this Office's representation of these individuals has not yet been made and accordingly, this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants.

MEMO ENDORSED

No previous request for an extension has been made by either party. There are no scheduled conferences that will be affected by this proposed extension. Accordingly, it respectfully requested that the Court grant defendant's application to extend its time to answer or otherwise respond to the complaint from April 9, 2008 to June 9, 2008.

Thank you for your consideration of this request.

Respectfully submitted,



Craig Hanlon (CH 5679)
Assistant Corporation Counsel
Special Federal Litigation Division

MEMO ENDORSED

cc: Robert Earl McCoy
Plaintiff *Pro Se*
ID # 349-07-09080
18-18 Hazen Street
East Elmhurst, NY 11370

SO ORDERED
Deborah A. Batts

DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE